


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
MAR 04 2009

CLERK

PAUL SCHILF and CYNTHIA SCHILF,
as special administrators for the Estate of
Peter Raymond Schilf, Deceased; and
PAUL SCHILF and CYNTHIA SCHILF,
Individually,

Plaintiffs,

vs.

ELI LILLY AND COMPANY and
QUINTILES TRANSNATIONAL
CORPORATION,

Defendants.

CIV 07-4015

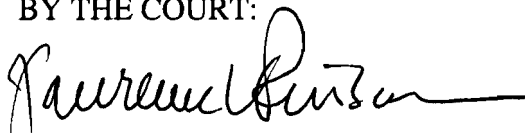
ORDER

Defendants have moved to have the Affidavit of Dr. Michael Detke and two FDA memoranda about a suicide of an unnamed and otherwise unidentified female sealed. These documents deal with a suicide that took place during clinical trials of duloxetine. If these were discovery documents, they would be sealed. However, these documents are put forth by Defendants as Exhibit B to a Reply Brief in Support of a Motion for Summary Judgment. Many cases are dismissed by summary judgment so it is a crucial stage in the litigation process. Here, the identity of the woman who committed suicide is not disclosed, and no adequate present or future business interest in confidentiality has been shown. When those factors are balanced against the public's interest in matters involving human health, there is no good cause shown for sealing these documents. Accordingly,

IT IS ORDERED That Defendants' Motion to Seal, Doc. 159, is therefore denied.

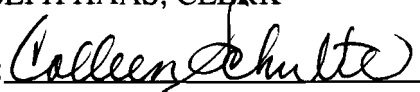
Dated this 4th day of March, 2009.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 

DEPUTY